

MINUTES
BOARD FOR LICENSING HEALTH CARE FACILITIES
May 4, 2005

The Board for Licensing Health Care Facilities was called to order by Dr. Larry Arnold on May 4, 2005, commencing at 9:00 a.m.

Ms. Green called the roll to establish a quorum.

Dr. Larry Arnold, Chairman
Dr. James T. Galyon, Chairman Pro Tem
Dr. Duane Budd
Ms. Elizabeth Chadwell
Mr. Alex Gaddy
Mr. Luke Gregory
Mr. Jim Hastings – arrived 10:00 a.m.
Mr. Albert Jones
Dr. Douglas Leahy
Dr. Ronald Staples
Dr. Joe T. Walker
Mr. Carlyle Walton
Mr. James Weatherington

Members not present:

Ms. Charlotte Burns
Ms. Carrisa Lynch
Ms. Annette Marlar
Ms. Nancy Peace
Dr. Roxane Spitzer
Dr. Jon Winter

Present and representing the Office of General Counsel:

Mr. Richard Russell

Also present:

Ms. Cathy Green, Director, Board for Licensing
Ms. Katy Gammon, Director, Health Care Facilities
Ms. Wanda Hines, Board Administrator
Ms. Faye Vance, East TN Regional Administrator
Ms. Shirley Jones, West TN Regional Administrator
Ms. Nina Monroe, Middle TN Regional Administrator
Mr. Bill Harmon, Director of Engineering

A quorum was established by roll call vote.

Ms. Green introduced new board members Mr. James Weatherington, Mr. Alex Gaddy, Mr. Carlyle L.E. Walton, and Mr. Luke Gregory. Mr. Weatherington replaces Dr. Terry Horgan, as the Consumer Representative, Mr. Alex Gaddy replacing Mr. Ron Arrison as the Nursing Home Industry Representative, Mr. Carlyle L. E. Walton replacing Robert Gordon as the Hospital Administrator and Mr. Luke Gregory replacing Bettye Zier as the Residential Home for Aged Operator Representative.

APPROVAL OF MINUTES

The first order of business was approval of the February 2, 2005 minutes. Mr. Walton stated there were two corrections needed. The corrections were noted and will be changed.

A motion was made and seconded to approve the minutes with the two corrections changed as noted.

Motion carried.

REPORTS TO THE BOARD

Department Report

Trauma Centers/Advisory Council

Joe Phillips, EMS Director, submitted letters to Board packets that were sent to the trauma care centers in East Tennessee. They are going through their inspections this week. Mr. Phillips will be submitting a report at the next board meeting as a follow-up to these particular surveys.

Also, a letter from Methodist Hospital in Memphis was received to let the board know that they have decided to drop their trauma designation. This leaves The Med in Memphis as the only trauma center.

A memorandum outlining the mission, composition and terms of members of the Trauma Care Advisory Council was shared with Board members. Mr. Bob Gordon, a board member whose term expired effective this meeting was the Board's designee for this committee. We are asking for a volunteer from our board members that would be willing to serve on this council. There is a consensus conference scheduled for May 23rd and 24th, and this will be at the fire academy near Shelbyville. We would like this person to be available for this conference. Anyone who would like to serve let us know by the end of day. If we don't have a volunteer at this time, we will be contacting the Board members.

Fire Sprinkler Status

The sprinkler installation information is posted on our website. It is updated by the fifth (5th) of each month for the prior month. The handout shows the percentage of those facilities: nursing homes, assisted living, and homes for the aged that are not in compliance at this time, 15 percent of nursing homes, 5 percent of assisted living and 38 percent of homes for the aged.

The Department is tracking those facilities and the deadlines. Ms. Katy Gammon, Director of Health Care Facilities is sending out letters as reminders to these facilities to make sure that they meet the time frames outlined in statute.

Legislation

We mailed out all of the bills that have been in the hopper in the legislation this session that would impact health care facilities. Many of those will not go through and pass. I wanted to just point out some of the ones that we have been tracking closely that the Board would need to know about.

A brief overview was given on bills impacting Health Care Facilities. Overview included: Senate Bill 239, Senate Bill 085, Senate Bill 353, Senate Bill 361, Senate Bill 782, Senate Bill 991, and Senate Bill 451.

Unusual Events

The Unusual Events Report for first quarter of 2005 was shared with Board members. First quarter showed a total of 1,287 unusual events reported to the Department. Again, the largest reporting categories are falls with fractures and then the “other” category which is 901. This captures falls that result in soft tissue injuries that require sutures or staples. We are currently working on the annual report and the Board will have a copy of the annual report for 2004 at our next meeting.

Dr. Galyon expressed concerns regarding post-op wound infections reporting and also the bills that are before the legislature. Dr. Galyon states that hospitals are having a very difficult time acquiring that information. Most surgeries does not require a long-term stay in the hospital. People frequently have the surgery and go home the same day. Post-operative wound infections usually do not occur before the third day. If they get a wound infection outside of the hospital it is difficult for the hospital to find out about it unless the patient is readmitted to the same hospital for treatment of post-operative wound infection. It is going to be difficult for the State as well as for the hospitals to identify that problem.

Ms. Green stated the interpretive guidelines that we’ve established for reporting actually have a reporting category a parameter if they’re readmitted to the facility within 30 days. This would catch them, but we know that there are some that are discharged home that the hospital never knows about as well as ambulatory surgical treatment centers.

Orientation for New Board Members

The orientation for new board members is scheduled for August 2, 2005 at 1:30 p.m. held at the Cordell Hull Building before the next board meeting. We will familiarize the new board members with this board’s activities. Those who have served on the board who have never been through orientation are encouraged to attend as well.

Nurse Aide Report

The new Nurse Aide Coordinator, Wanda King, was introduced to the Board. Ms. King will be here to answer any questions you may have regarding the nurse aide report.

DISCUSSION

ASTC and Lasik Procedures

The Board received a copy of a letter from our Chair, Dr. Arnold to Health Services and Development Agency (HSDA). This is the sister agency that grants the Certificate of Need for those facilities that require it. Ambulatory Surgical Treatment Center (ASTC) regulations were revised about two (2) years ago to address those centers that were not providing a full scope of surgical procedures and tried to word the regulations such that if they weren't providing the full scope, then they didn't have to comply with things like recovery room and anesthesia. There have been several discussions between our Department and the Health Services and Development Agency in the way we interpret Lasik-only centers because they are doing a five minute procedure, no anesthesia; no nurse just the physician. These facilities are calling Health Services and Development Agency and being told they must have a Certificate of Need, they call our Department before sending plans and asking to be waived of a majority of the regulations. We are asking Health Services and Development Agency to work with us in making an interpretation for facilities providing Lasik surgery only wouldn't require a Certificate of Need. Health Services and Development received our letter and placed on their board's agenda for May 25th. The Board should be getting a response back from them and will present it at the next board meeting.

Model Forms for Appointment of Surrogate

The Department has developed another form to help the appointment of a surrogate. The Advance Directive Task Force reviewed and submitted comments. This form would help those that are having discussions at the bedside or with family members. It has the reasons for the appointment. It is signed by the designated physician. In addition, a decision tree has been developed to help people know how to use the form and how it applies with all of the other advance directives.

Motion was made by Dr. Galyon, and seconded by Ms. Chadwell to:

**ADOPT THE APPOINTMENT OF SURROGATE FORM AS ANOTHER
MODEL FORM AND PUT OUT ON THE WEBSITE.**

Motion carried by voice vote.

We will skip the Disciplinary Action – Contested Case under Discussion and will start at 10:00 a.m.

REGULATIONS

BOARD APPROVAL TO GO TO RULEMAKING HEARING

1200-8-1 Standards for Hospitals

To define "rural" as it applies to critical access status.

Motion was made by Dr. Walker, seconded by Mr. Gaddy to:

SEND THE STANDARDS FOR HOSPITALS RULES FOR RULEMAKING HEARING.

Motion carried by voice vote.

APPROVAL FOR FINAL FILING

1200-8-19 Standards for DUI Schools

1200-8-20 Standards for Primary Prevention Facilities

1200-8-18 Standards for Non-Residential Treatment Facilities

1200-8-21 Standards for Non-Residential Narcotic Facilities

1200-8-2 Standards for Prescribed Child Care Centers

Building Standards revised to reflect appropriate occupancy requirements. This will bring regulations in line with recent revisions to all other regulations as recommended by the Department of Health.

Motion was made by Dr. Walker, seconded by Dr. Leahy to:

SEND THE DUI SCHOOLS, PRIMARY PREVENTION FACILITIES, NON-RESIDENTIAL TREATMENT FACILITIES, NON-RESIDENTIAL NARCOTIC FACILITIES AND THE PRESCRIBED CHILD CARE CENTERS RULES FOR FINAL FILING.

Motion carried by roll call vote.

WAIVER REQUESTS

Ms. Green gave a brief summary of each of the following waiver requests:

UNIVERSITY OF TENNESSEE MEDICAL CENTER, KNOXVILLE

This five hundred one (501) bed hospital is requesting an extension of the five (5) year plan approval to complete sprinkler coverage of 50,000 square feet at the Medical Center. The facility is requesting a two year time extension to complete the sprinkler coverage due to increase cost in completing the project.

Mr. Harry Watson, the Vice-President of Facility Operations and Mr. Gary Thomas, Vice President of Compliance was here to represent U.T. Medical Center. (U.T. Medical Center is requesting an extension for only 6 months due to the hospital is 95 percent sprinkled and only 5 percent is not sprinkled. The contractor is committed to complete the project by October 31st.)

Motion was made by Dr. Galyon, seconded by Dr. Budd to:

A SIX (6) MONTHS EXTENSION WAS GRANTED TO ALLOW UNIVERSITY OF TENNESSEE MEDICAL CENTER TO COMPLETE THE SPRINKLER COVERAGE OF THEIR FACILITY.

Motion carried by voice vote.

VANAYER MANOR NURSING CENTER AND BEHAVIORAL HEALTHCARE CENTERS AT MARTIN

Per Board Policy #51 VanAyer Manor Nursing Center is requesting a waiver to be allowed to share services with Behavioral Healthcare Centers at Martin which is located in the same building separately occupied and licensed.

Motion was made by Ms. Chadwell, seconded by Mr. Walton to:

ALLOW VANAYER MANOR NURSING CENTER TO SHARE SERVICES PER BOARD POLICY #51 WITH BEHAVIORAL HEALTHCARE CENTERS AT MARTIN.

Motion carried by voice vote.

SUNBRIDGE OF FAYETTEVILLE, FAYETTEVILLE

Due to the unexpected resignation of their administrator, this seventy-nine (79) bed nursing home is requesting a waiver of the Rule 1200-8-6-.04 regulation requiring full-time onsite administrator. Pat Becker, DNS will be responsible for onsite administration of the facility until a new administrator can be found.

Motion was made by Dr. Galyon, seconded by Dr. Walker to:

A NINETY (90) DAY WAIVER WAS GRANTED TO ALLOW THE FACILITY TO OPERATE WITHOUT A LICENSED NURSING HOME ADMINISTRATOR UNTIL AN ADMINISTRATOR CAN BE HIRED.

Motion carried by voice vote.

CARIS HEALTHCARE, L.P., SOMERVILLE AND SPRINGFIELD

Caris HealthCare is requesting a waiver according to T.C.A. §68-11-206(b), for the license for two of their hospice agencies be placed in an inactive status for six (6) months. Caris needs additional time to open these offices and acquire qualified staff. Plans include opening the Somerville office in October of 2005 and the Springfield office in November of 2005.

Motion was made by Dr. Walker, seconded by Mr. Jones to:

A SIX (6) MONTH WAIVER WAS GRANTED TO PLACE SOMERVILLE AND SPRINGFIELD HOSPICE AGENCIES ON INACTIVE STATUS.

Motion carried by voice vote.

WOOD PRESBYTERIAN HOME, SWEETWATER

This eighty-nine (89) bed nursing home is currently without a Director of Nursing (DON). The administrator is requesting a waiver of Rule 1200-8-6-.06(4) (b) which requires the DON to be a

registered nurse and responsible for the operation of service. Currently the responsibilities of the DON have been divided among other registered nurses employed by the facility. The facility is having difficulties finding an acceptable candidate for the position.

Mr. Richard Fields, Administrator was present and stated that today was their 100th day without a director of nursing. They have interviewed four candidates which none was suitable. They have advertised in a three-county area in the newspaper and also hired nationally in the Presbyterian Association of Homes and Services for Aging. Their human resources director has contacted every director of nursing and assistant director of nursing within a 50-mile radius as well with no success.

Motion was made by Dr. Walker, seconded by Ms. Chadwell to:

A NINETY (90) DAY WAIVER WAS GRANTED TO ALLOW THE FACILITY TO OPERATE WITHOUT A DIRECTOR OF NURSING (DON) UNTIL A DON CAN BE HIRED.

Motion carried by voice vote.

WOODRIDGE HOSPITAL AND JOHNSON CITY MEDICAL CENTER-SATELLITE REQUEST

Woodridge Hospital, a 75-bed mental health hospital in Johnson City, TN is seeking approval to become a satellite of Johnson City Medical Center, a 420 bed hospital in Johnson City, TN. Woodridge will voluntarily surrender its Mental Health license as a freestanding Psychiatric Hospital.

Motion was made by Dr. Galyon, seconded by Mr. Hastings to:

A WAIVER WAS GRANTED TO ALLOW WOODRIDGE HOSPITAL TO BECOME A SATELLITE OF JOHNSON CITY MEDICAL CENTER.

Motion carried by voice vote.

HERITAGE HEALTH CENTER AND THE HERITAGE AT BRENTWOOD

Per Board Policy #51 Heritage Health Center is requesting a waiver to be allowed to share laundry, food service, and physical therapy services from facilities located in the clubhouse of the Heritage at Brentwood. The clubhouse is located immediately adjacent to Heritage Health Center and serves independent living as well as request to serve the licensed ACLF.

Motion was made by Dr. Galyon, seconded by Mr. Hastings to:

ALLOW HERITAGE HEALTH CENTER TO SHARE SERVICES PER BOARD POLICY #51 WITH THE HERITAGE AT BRENTWOOD.

Motion carried by voice vote.

SUNBRIDGE OF MAYNARDVILLE, MAYNARDVILLE

Due to the unexpected resignation of their administrator, this seventy-seven (77) bed nursing home is requesting a waiver of the Rule 1200-8-6-.04 regulation requiring full time onsite administrator. Melissa Massengill, DNS will be responsible for onsite administration of the facility until a new administrator can be found.

Motion was made by Dr. Walker, seconded by Dr. Galyon to:

A NINETY (90) DAY WAIVER WAS GRANTED TO ALLOW THE FACILITY TO OPERATE WITHOUT A LICENSED NURSING HOME ADMINISTRATOR UNTIL AN ADMINISTRATOR CAN BE HIRED.

Motion carried by voice vote.

CONSENT CALENDAR

Motion was made by Dr. Galyon and seconded by Dr. Budd to:

APPROVE WAIVER REQUESTS ON THE CONSENT CALENDAR.

Motion carried by voice vote.

THE FOLLOWING FACILITY WAS APPROVED TO PROVIDE ADULT DAY CARE:

Fieldstone Place, Clarksville

THE FOLLOWING FACILITY WAS GRANTED A WAIVER TO PROVIDE OUTPATIENT THERAPY SERVICES AS PROVIDED FOR BY POLICY #32:

The King's Daughters & Sons Home, Bartlett

THE FOLLOWING FACILITY WAS GRANTED A WAIVER TO UTILIZE AT LEAST 16 RESIDENTIAL REHABILITATION BEDS TO BE USED AS EITHER RESIDENTIAL REHABILITATION OR HALFWAY HOUSE TREATMENT BEDS AS PROVIDED FOR BY POLICY #70:

New Life Lodge Alcohol and Drug Treatment Center, Burns

With all business concluded, Dr. Arnold adjourned the meeting.

Respectfully submitted,

James T. Galyon, M.D.